

## BOARD OF SELECTMEN

Minutes of the Meeting of 19 September 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard and Patricia Roggeveen. Whiting Willauer was absent. Vice Chairman Kopko called the meeting to order at 6:00 PM.

## ANNOUNCEMENTS

Vice Chairman Kopko noted the upcoming changes in the NRTA shuttle schedule.

Town Manager Libby Gibson noted there is extensive work being done on the exterior of the Town Building, including painting and refurbishing of the weather vane. She also noted the extra signs have been removed from the new roundabout and that since the September 18, 2007 Special Town Election ballot question was not approved by voters, the revenue from the Land Bank real estate transaction would fall to free cash but would not be available until FY 2010 for potential re-appropriation.

## PUBLIC COMMENT

None.

## APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Approval of Payroll Warrant for Week Ending 16 September 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for 19 September 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

## CITIZEN/DEPARTMENTAL REQUESTS

Citizen Request for Transfer of Taxi License. Ms. Gibson explained that the Town received a letter from Mrs. Beverly Topham in August requesting the transfer of her late husband Alvin Topham's taxi license into her name under the legacy transfer provision of the taxi regulations. Ms. Gibson reviewed the regulations regarding legacy taxi licenses. Vice Chairman Kopko affirmed Mrs. Topham is seeking for a waiver from the regulations. Joe Mullen, attorney for Mrs. Topham stated that they are seeking a "hardship waiver" to transfer Mr. Topham's license to Mrs. Topham under the license transfer provision rather than the legacy license provision. John McLaughlin and Town Clerk Catherine Flanagan Stover spoke in favor of the transfer. Mark Bechard spoke in opposition, noting Mrs. Topham already has two taxi licenses in her name. He stated he currently only drives a taxi, is on the waiting list himself and he too is financially struggling to make ends meet. Tom Walton stated that although he sympathizes with Mrs. Topham the decision to grant a waiver would only set precedent for future waivers to be granted. Mr. Chadwick requested evidence of the financial hardship including some financial records. Ms. Roggeveen agreed, and noted that although the decision is within the Board's right to waive, she would be more comfortable with specific reasons and information supporting the financial hardship. Vice Chairman Kopko noted the Board would be looking to set extremely high standards for any waiver given so as not to set precedent. Leigh Topham, Mrs. Topham's niece requested a two week extension on the request, to give the family proper time to prepare financial documents. Ms. Roggeveen moved to table the request until the October 3<sup>rd</sup> regular meeting, Mr. Chadwick seconded, so voted unanimously.

#### PUBLIC HEARING

Public Hearing to Hear Appeal of E. Garrett Bewkes, III of Historic District Commission (HDC) Approval of Certificates of Appropriateness No. 50573, 50574 and 50575 with Regard to the Siting of Structures at 71 and 73 Squam Road. Paul DeRensis, Town Counsel swore in all who were to speak on the matter. Vice Chairman Kopko read the rules of the appeal process. Daniel Bailey, attorney for E. Garrett Bewkes spoke on behalf of the appeal. Mr. Bailey noted Mr. Bewkes is a direct abutter to the property in question, at 67 Squam Road. He stated that the HDC's decision involved the relocation of two single family houses, that 71 would be moved to 73 and 73 would be moved to 71. The structure currently at 73 is a significant historic structure and should not be moved. He also noted the Historic Advisory Board's (HAB) recommendation to the Historic District Commission (HDC) not to allow the move. Mark Voigt, HDC Administrator explained that although the HDC requests recommendations from the HAB for a more in-depth review of historic structures, it is still the decision of the HDC as to whether or not to grant the permit to move. He agreed that the HDC was aware that it is a historic structure, but that historic structures can be moved and that the historic structure that is left has no significant changes. He also noted the permit did require certain restrictions such as height at the new location. Mr. Reinhard asked Mr. Bailey to clarify the objection. Mr. Bailey stated the HDC did not adequately take into account the HAB's recommendation and his client feels the structure is too tall for its proposed new location. Mr. Chadwick moved that the certificates of appropriateness Nos. 50417 and 50418 issued by the HDC are hereby upheld and that the Board of Selectmen's review of the record does not indicate that the certificates are based on legally untenable ground and are not unreasonable, capricious, arbitrary or erroneous and further that the subject appeal is denied. Mr. Kopko seconded, so voted unanimously.

#### TOWN ADMINISTRATOR'S REPORT

Ms. Gibson noted that at the Board of Selectmen's recent request a memo has been sent to the NP&EDC that at the time of approval of all new subdivisions a public easement providing for access to the waterfront be required for applicable properties.

Ms. Gibson announced there is still an opening on the Capital Program Committee and the Historic Commission.

Review of FY 2009 Capital Projects Recommendations. Ms. Gibson provided a detailed presentation of the Town Administration's recommendations of the FY 2009 capital project requests. Some discussion followed.

#### SELECTMEN'S REPORT/COMMENT

Decision Regarding Support of Application of Town of Edgartown to Federal Energy Regulatory Commission for Permit to Investigate Tidal Energy Project to Benefit Nantucket and Edgartown. Planning Director Andrew Vorce stated this project was discussed at the last NP&EDC meeting, receiving support as a result. Mr. Vorce requested the Board to designate the NP&EDC as an agent on the project regarding tidal energy as an exploratory study. Vice Chairman Kopko suggested to send a letter of support to FERC and to designate the NP&EDC as the project agent. Mr. Chadwick moved to support the application and to make the requested designation, Mr. Reinhard seconded, so voted unanimously.

The meeting adjourned at 7:11 PM.

Approved the 17th day of October 2007.